

Applicant : Michael G. Platner et al.
Serial No. : 09/888,345
Filed : June 22, 2001
Page : 8 of 10

Attorney's Docket No.: 13975-004001

REMARKS

Applicants are in receipt of the office action mailed August 11, 2004. Claims 1, 3, 4, 14, 16, 17, and 27 are currently amended to correct typographical errors and more particularly point out and distinctly claim the present invention in order to advance this case toward issuance. No new matter has been added by these amendments and these amendments are fully supported by the specification. *See, e.g.*, Page 12, Lines 8-12; Page 13, Lines 7-10; Page 14, Lines 16-22; Page 16, Lines 13-15, Page 22, Lines 22-23, Page 23, Lines 16-18, and Fig. 2. Claims 1-31 are pending and under consideration, with claims 1, 17 and 27 being independent.

Applicants graciously thank the Examiner for the interview granted to Applicants' representatives. The pending rejections in this matter were discussed, but no formal agreement was reached.

1. Drawings

Applicants acknowledge with appreciation the Examiner's statement that the drawings "are acceptable subject to correction of the informalities indicated on the attached 'Notice of Draftsperson's Patent Drawings Review,' PTO-948." Applicants have made the corrections identified in that Notice via the attached Replacement Sheets. Accordingly, Applicants respectfully request that the correction requirement to the drawings be withdrawn.

2. Claim Rejections under 35 USC §103

Claims 1-4, 6-15, 17-20 and 23-31 stand rejected under 35 USC §103, as being rendered obvious by US Patent 6,336,098 to Fortenberry in view of US Publication 2002/02128903 to Kernahan. Claims 5, 16 and 21-22 stand rejected under 35 USC §103, as being rendered obvious by the combination of Fortenberry and Kernahan and further in view of US Publication

Applicant : Michael G. Platner et al.
Serial No. : 09/888,345
Filed : June 22, 2001
Page : 9 of 10

Attorney's Docket No.: 13975-004001

2002/0178071 to Walker. Applicants respectfully traverse these rejections and disagrees that these references render any of the original claims unpatentable. However, in order to clarify the claimed invention, Applicants have amended claims 1, 3, 4, 14, 16, 17, and 27.

Amended claims 1-31 all require, in part, "receiving payment" for a certificate or a plurality of certificates. Fortenberry and Kernahan discuss use of "coupons." As stated in the "Background of the Invention" in Fortenberry: "Coupons are commonly used to encourage potential customers to purchase products. Often, when a new product is introduced, paper coupons are created and distributed through direct mailings, newspapers and magazines in widespread campaigns attempting to reach those consumers potentially interested in purchasing that product." [Fortenberry, Col. 1, Lines 22-27.] Thus, whereas coupons are often sent to potential customers unsolicited and without charge, amended claims 1-31 specifically require "receiving payment for a certificate" or "receiving payment for a plurality of certificates."

Consequently, for at least the reasons above, Fortenberry in combination with Kernahan, or Fortenberry in combination with Kernahan and Walker fails to disclose each and every limitation of amended claims 1-31. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn.

3. Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been

Applicant : Michael G. Platner et al.
Serial No. : 09/888,345
Filed : June 22, 2001
Page : 10 of 10

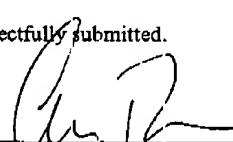
Attorney's Docket No.: 13975-004001

expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants note that the Forms PTO-1449 filed with the Information Disclosure Statements on November 7, 2001, and November 21, 2002, have not been initialed and returned. Applicants request that the Examiner consider the references filed with each IDS and return the initialed Forms PTO-1449 as soon as possible. A copy of each Form PTO-1449 is attached for the Examiner's convenience.

All of the pending claims are now in condition for allowance. A formal notice to that effect is respectfully solicited. Applicants respectfully request that all claims be allowed. Applicants believe that no additional fees are necessitated by the present Response. However, in the event any such fees are due, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 06-1050.

Respectfully submitted,


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